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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,073	10/10/2003	Yoko Miyamoto	046601-5116	9495
9629	7590	02/23/2005	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			NGO, HOANG X	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/682,073	Applicant(s) MIYAMOTO ET AL.	
	Examiner Hoang Ngo	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 11-18 is/are rejected.
- 7) ☒ Claim(s) 2,9 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 21, lines 22-23 contains numerous foreign words. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-8, and 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Murasawa et al.

Murasawa et al disclose an image forming system comprising an image forming condition setting part 13 that sets a plurality of image forming conditions within a predetermined range; an image forming part (i.e. developer 4) that forms images on recording materials based on the plurality of image forming conditions set by the image forming condition setting part (Col. 5, lines 52-67); a selection part 13 that selects a predetermined image forming condition based on images formed on the recording materials by the image forming part on the basis of different image forming conditions among the plurality of image forming conditions.

Murasawa et al further disclose a setting range designation part that designates a setting range of the plurality of image formation conditions (Col. 3, lines 40-50); a

basic condition determining part (i.e. particular mode, Col. 3, line 55) that determines a basic condition of the plurality of image formation condition wherein the image formation condition setting part sets the plurality of image formation conditions to include the basic condition; the selection part possesses an acceptance unit that accepts a selection instruction from a user (Col. 4, lines 57-63); a control parameter modification part that modifies a control parameter (i.e. transfer charger 5, Col. 6, line 46) used in an image forming process of the image forming part wherein each time the control parameter modification part modifies the control parameter (Col. 6, lines 30-64); the image forming part sequentially forms test images (i.e. test sample) on the recording materials based on the modified control parameter (Col. 6, lines 43-48); the control parameter modification part modifies the control parameters step by step (Col. 5, lines 24-31); the control parameter modification part modifies the control parameter between the recording material and the next recording material; a test chart output part (i.e. test samples) outputs test charts on recording materials on the basis of the plurality of image formation conditions set by the image formation condition setting part and an image formation part that forms an image under a specific image formation condition selected among the plurality of image formation conditions set by the image formation condition setting part; a setting range of the plurality of image formation conditions that can be set by the image formation condition setting part is variable; the image formation condition setting part sets a plurality of fixing temperatures (Col. 8, lines 26-30)

Allowable Subject Matter

4. Claims 2, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record teaches a fixing member for fixing the toner image formed on the recording material and passes a dummy recording material through the fixing member before forming the test image on the recording material.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Ngo whose telephone number is (571) 272-2138. The examiner can normally be reached on 6:00am - 2:30pm.

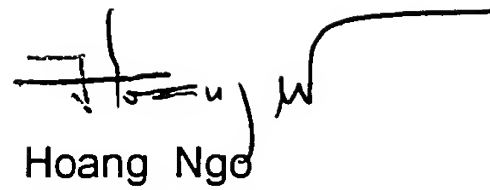
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Hoang Ngo', with a long horizontal line extending to the right.

Hoang Ngo
Primary Examiner
Art Unit 2852

Hn

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